

JUN 15 2004

WOOD, HERRON &amp; EVANS, L.L.P.

OFFICIAL

BRUCE TITTEL  
 DONALD F. FREI  
 DAVID J. JOSEPHIC  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
 THOMAS J. BURGER  
 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUP  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN  
 BEVERLY A. LYMAN, PH.D.

OF COUNSEL  
 JOHN D. POFFENBERGER  
 THOMAS W. FLYNN

2700 CAREW TOWER  
 441 VINE STREET  
 CINCINNATI, OHIO 45202-2917  
 TELEPHONE: 513-241-2324  
 FACSIMILE: 513-241-6234  
 EMAIL: info@whepatent.com  
 PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION  
 EDMUND P. WOOD 1923-1988  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
 KATHRYN E. SMITH  
 KRISTI L. DAVIDSON  
 P. ANDREW BLATT, PH.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, PH.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 SARAH OTTE GRABER  
 WESLEY L. STRICKLAND (VA, DC BAR ONLY)  
 STEVEN W. BENINTENDI, PH.D.

TECHNICAL ADVISORS  
 HENRY M. LABODA, PH.D.

June 15, 2004

## FACSIMILE COVER SHEET

To: Examiner Hussein A. El-chanti  
 Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:  
 Fax Cover Sheet containing Certificate of  
 Facsimile Transmission (1 page)  
 Transmittal containing Certificate of  
 Facsimile Transmission (2 pages)  
 Response (7 pages)

From: Scott A. Stinebruner  
 Reg. No. 38,323

Re: U.S. Patent Application  
 Serial No. 09/732,189  
 Filed: December 7, 2000  
 Applicant: Robert Miller  
 Art Unit: 2157  
 Confirmation No.: 1431  
 Our Ref: IBM/151

Pages: 10 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIAL

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (10 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Hussein A. El-chanti, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on June 15, 2004.

*Judith L. Volk*  
 Judith L. Volk

*June 15, 2004*  
 Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

**PATENT**  
 Att'y Docket No. IBM/151/124  
 Confirmation No. 1431

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (10 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Hussein A. El-chanti, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on June 15, 2004.

*Judith L. Volk*  
 Judith L. Volk

*June 15, 2004*  
 Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Miller	Art Unit:	2157
Serial No.:	09/732,189	Examiner:	Hussein A. El-chanti
Filed :	December 7, 2000		
For :	PEER PROTOCOL STATUS QUERY IN CLUSTERED COMPUTER SYSTEM		

Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1.  Transmitted herewith is a Response.
2.  Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
 Enclosed is a verified statement to establish Small Entity status  
 Other than a Small Entity

## 3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	26	minus	26	0	\$18	\$0.00
Independent Claims	5	minus	5	0	\$86	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$290	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

No additional fee for claims is required.

Page 1 of 2  
 Serial No. 09/732,189  
 Transmittal for Response of June 15, 2004  
 IBM Docket: ROC920000125US1  
 WH&E IBM/151

4.  Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
 Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

Extension fee due with this request:  \$ \_\_\_\_\_

Method of Payment:  Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

*OR*

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6.  If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



Scott A. Stinebruner  
Reg. No. 38,323

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

Enclosed:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)  
Transmittal containing Certificate of Facsimile Transmission (2 pages)  
Response (7 pages)